

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ANDY L. SMITH

*Plaintiff.*

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v.

CIVIL ACTION NO. 6:18-cv-185

SANFORD C. STEPHENS, *et al.*

*Defendants.*

**ORDER**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions and recommendation for the disposition of the complaint has been presented for consideration. Docket No. 12. The Report and Recommendation recommends that Plaintiff's Motion to Dismiss Without Prejudice (Docket No. 11) be granted and the complaint be dismissed without prejudice. *See Id.* Plaintiff received the Report and Recommendation no later than December 3, 2018. Docket No. 13. No written objections have been filed. Thus, any aggrieved party is not entitled to *de novo* review by the district court of the proposed findings and recommendations of the Magistrate Judge. 28 U.S.C. § 636(b)(1)(C). The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980). In light of the foregoing, it is

**ORDERED** that Plaintiff's Motion to Dismiss Without Prejudice (Docket No. 11) is **GRANTED** and the complaint is **DISMISSED WITHOUT PREJUDICE**.

**SIGNED** this 20th day of December, 2018.

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE